

Sanjay S. Schmidt (SBN 247475)
LAW OFFICE OF SANJAY S. SCHMIDT
1388 Sutter Street, Suite 810
San Francisco, CA 94109
Tel. (415) 563-8583
Fax (415) 223-9717
e-mail: ss@sanjayschmidtlaw.com

Panos Lagos (SBN 61821)
LAW OFFICES OF PANOS LAGOS
5032 Woodminster Lane
Oakland, CA 94602
Tel. (510) 530-4078
Fax (510) 530-4725
e-mail: panos@panoslagoslaw.com

Attorneys for Plaintiff,
THERESE L. LESHER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THERESE L. LESHER,) Case No. 2:21-cv-00386-WBS-DMC
)
) STIPULATION AND ORDER FOR THE
Plaintiff,) FILING OF A SECOND AMENDED
) COMPLAINT
vs.)
)
CITY OF ANDERSON, a municipal)
corporation; City of Anderson Police Sergeant)
SEAN MILLER, individually, City of)
Anderson Police Officers JEFFREY MILEY,)
individually, and KAMERON LEE,)
individually; and, DOES 1 through 50, jointly)
and severally,)
)
Defendants.)
)
)
)
)
)
)
)

1 WHEREAS, Defendant City of Anderson has moved to dismiss claim four in Plaintiff's
2 First Amended Complaint, the *Monell* claim. ECF Nos. 24, 24-1, and 24-2.

3 WHEREAS, Defendant City of Anderson noticed its motion to be heard on September
4 20, 2021.

5 WHEREAS, the undersigned Plaintiff's counsel notified counsel for Defendant City of
6 Anderson shortly after the filing of its motion that counsel is unavailable on that date.

7 WHEREAS, the undersigned Plaintiff's counsel has also met-and-conferred with counsel
8 for Defendant City of Anderson regarding its motion, and Plaintiff has decided to omit certain
9 claims that are at issue in the pending motion, in order to streamline the litigation and narrow
10 down the issues to be decided. This can be accomplished most efficiently with the filing a
11 Second Amended Complaint.

12 This stipulation and the filing of a Second Amended Complaint will advance the interest
13 of judicial economy by narrowing down the issues to be litigated. If Defendant City of Anderson
14 elects to again move to dismiss Plaintiff's *Monell* claim, under Rule 12(b)(6), the issues to be
15 briefed and decided by the Court will be narrowed down.

16 If this stipulation is granted, Plaintiff's ensuing Second Amended Complaint will render
17 Defendant City of Anderson's pending Rule 12(b)(6) motion to dismiss, ECF Nos. 24, 24-1, and
18 24-2, moot. This will address the calendar conflict issue and obviate the need to reschedule the
19 hearing on this motion.

20 Accordingly, IT IS HEREBY STIPULATED, by and between the parties through their
21 respective attorneys of record, pursuant to Federal Rule of Civil Procedure 15(a)(2), that
22 Plaintiff, not later than September 5, 2021, may file a Second Amended Complaint.

23 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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Respectfully Submitted,

Dated: August 26, 2021

**LAW OFFICE OF SANJAY S. SCHMIDT
-and-
LAW OFFICES OF PANOS LAGOS**

/s/ Sanjay S. Schmidt

By: Sanjay S. Schmidt
Attorneys for Plaintiff,
THERESE L. LESHER

Dated: August 26, 2021

ANGELO, KILDAY & KILDUFF, LLP

/s/ Gökalp Y. Güner* (authorized on 08/24/21)

By: Gökalp Y. Güner
DERICK E. KONZ
GÖKALP Y. GÜNER
Attorneys for Defendants CITY OF ANDERSON,
SEAN MILLER, JEFFREY MILEY, and
KAMERON LEE

*Pursuant to Local Rule 131(e), counsel has authorized submission of this document on counsel's behalf.

ORDER

GOOD CAUSE having been shown, the foregoing stipulation for Plaintiff to file a Second Amended Complaint is HEREBY GRANTED. Plaintiff shall file a Second Amended Complaint on or before September 5, 2021, which will render the pending Rule 12(b)(6) motion moot; as such, upon the filing of Plaintiff's Second Amended Complaint, the pending September 20, 2021 motion hearing date is vacated.

IT IS SO ORDERED.

Dated: August 26, 2021



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE